

1 JOHN A. RUSSO, City Attorney, SBN 129729  
RANDOLPH W. HALL, Assistant City Atty., SBN 080142  
2 JAMES F. HODGKINS, Supervising Trial Atty., SBN 142561  
CHARLES E. VOSE, Senior Deputy City Atty., SBN 139700  
3 KANDIS A. WESTMORE, Deputy City Atty., SBN 194594  
One Frank H. Ogawa Plaza, 6th Floor  
4 Oakland, California 94612  
Telephone: (510) 238-3589, Fax: (510) 238-6500  
5 25581/470929

6 Attorneys for Defendants,  
CITY OF OAKLAND, OAKLAND  
7 POLICE DEPARTMENT, CHIEF WAYNE  
TUCKER, SGT. BERNARD ORTIZ  
8

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 MIGUEL ORTEGA, BENJAMIN ORTEGA,

15 Plaintiffs,

16 v.

17 CITY OF OAKLAND, OAKLAND POLICE  
DEPARTMENT, WAYNE TUCKER, In His  
18 Capacity as the Police Chief of the City of  
Oakland, RAMON J. ALCANTAR, Individually  
19 and in his capacity as a Police Officer for the  
City of Oakland, B. ORTIZ, Individually and in  
20 his capacity as a Police Officer for the City of  
Oakland, DOES 1 THROUGH 200,

21 Defendants.  
22

Case No. C-07-02659 (JCS)

**DECLARATION OF REGINA HARRIS-  
GILYARD IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Date: September 19, 2008

Time: 9:30 a.m.

Dept.: Courtroom A, 15th Floor  
The Honorable Joseph C. Spero

23 I, Regina Harris-Gilyard, declare:

24 1. I am employed by the City of Oakland as a Police Communications Supervisor in  
25 the Communications Division of the Oakland Police Department. I have personal knowledge of the  
26 matters stated herein and could competently testify thereto if called as a witness in this matter.

1           2.       As a Police Communications Supervisor, I am responsible for maintaining the  
2 records of all calls made to the Oakland Police Department dispatchers.

3           3.       I am familiar with the procedures used by the Communications Division to maintain  
4 records of incoming 911 calls and the ensuing conversations between the dispatcher and the caller.

5           4.       All incoming communications between the dispatcher and the officers in the field  
6 are tape recorded by the Oakland Police Department Communications Division in the ordinary  
7 course of business. The conversations are automatically recorded as they occur and the recordings  
8 are maintained by the Communications Division of the Oakland Police Department.

9           5.       Attached as Exhibit "A" to my declaration is a true and correct copy of an audio  
10 recording (on compact disk) of communications made between the OPD Dispatch Center and OPD  
11 Officers on May 7, 2006 starting at approximately 5:22 p.m. The original of this audio recording is  
12 maintained in the Communications Division of the Oakland Police Department.

13           6.       A computer record known as a CAD incident report (purge) is made of each 911 call  
14 and calls from officers in the field to the Oakland Police Department dispatchers and is  
15 automatically created at the time of the call in the ordinary course of business.

16           7.       The CAD incident report automatically records the number of the dispatcher taking  
17 the call, the time of the call and the location of the caller. The dispatcher may also input other  
18 information about the call (e.g. nature, type of call, and exact location of the incident) on the CAD  
19 incident report.

20           8.       Attached as Exhibit "B" to my declaration is a true and correct copy of the CAD  
21 incident report reflecting the communications made to the Police Dispatch on May 7, 2006 which  
22 can be heard on the audiotape Exhibit "A" to my declaration. The original of this document is  
23 maintained in the Communications Division of the Oakland Police Department.

24           9.       As reflected in Exhibit "B", the call from Oakland Police field unit 20A61 made at  
25 5:22 p.m. was answered by dispatcher number C50. The officer requested that additional units  
26 respond to the 1300 block of 62<sup>nd</sup> Avenue for a large group refusing to leave. Units 3A10 and

1 4A22 responded audibly to the call at 5:22 and unit 3A33 responded audibly to the call at 5:23 p.m.  
2 At 5:24 p.m. unit 4A50 advised the dispatcher there were two units on the scene with 20A61. At  
3 7:25pm unit 4A22 advised the incident was code 4 (unit needs no cover or needs no additional  
4 cover ). All of these communications can be heard on the audio recording (Exhibit A).

5 I declare under penalty of perjury under the laws of the State of California and United States  
6 of America that the foregoing is true and correct.

7 Executed this 11<sup>th</sup> day of August, 2008, at Oakland, California.

8  
9  
10   
11 REGINA HARRIS-GILYARD  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26